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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 TONY CAMPBELL,

12 Plaintiff,

No. CIV S-04-2268 GEB CMK P

13 vs.

14 G. WOODFORD,

15 Defendant.

ORDER

16 \_\_\_\_\_/  
17 Plaintiff, a state prisoner proceeding pro se, has  
18 filed this civil rights action seeking relief under 42 U.S.C.  
19 § 1983. The matter was referred to a United States Magistrate  
20 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General  
21 Order No. 262.

22 On May 9, 2005, the magistrate judge filed findings and  
23 recommendations herein which were served on plaintiff and which  
24 contained notice to plaintiff that any objections to the findings  
25 and recommendations were to be filed within twenty days.  
26

1 Plaintiff has filed objections to the findings and  
2 recommendations.<sup>1</sup>

3 In accordance with the provisions of 28 U.S.C.  
4 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a  
5 de novo review of this case. Having carefully reviewed the  
6 entire file, the court finds the findings and recommendations to  
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The findings and recommendations filed May 9, 2005,  
10 are adopted in full; and

11 2. This action is dismissed, without prejudice, for  
12 failure to exhaust administrative remedies.

13 Dated: June 21, 2005

14  
15 /s/ Garland E. Burrell, Jr.  
16 GARLAND E. BURRELL, JR.  
17 United States District Judge  
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24 <sup>1</sup>Although plaintiff included a proof of service, he failed  
25 to properly serve defendants as required by Federal Rule of Civil  
26 Procedure 5 and Local Rule 5-135(b) and (c). Instead, on his  
proof of service he lists the party that he served as the Clerk  
of the U.S. District Court.